

REMARKS

The Examiner's Action mailed on July 2, 2007, has been received and its contents carefully considered.

In this Amendment, Applicants have editorially amended the specification, amended claims 1, 4, 6 and 9, and cancelled claims 2, 5, 7 and 8 without prejudice. Claim 1 is the sole independent claim, and claims 1, 3, 4, 6 and 9 remain pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Office Action alleges that the Information Disclosure Statement filed with the application does not provide a concise explanation of the relevance of each foreign language reference. A replacement form 1449 (or equivalent) is therefore filed herewith.

The oath/declaration was objected to, and it is respectfully requested that this objection be withdrawn.

The Office Action stated that the declaration does not recite the serial number of the application. In fact the declaration meets all requirements of 37 CFR §1.63. More specifically, 37 CFR §1.63(b)(1) states only that:

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed

Further, MPEP §602 VI (Identification of Application) states in pertinent part that:

The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

- (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
- (B) serial number and filing date;
- (C) attorney docket number which was on the specification as filed;
- (D) title of the invention which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
- (E) title of the invention which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the USPTO is the application which the inventor(s) executed by signing the oath or declaration.

As the declaration identifies the application by the docket number and the title of the invention, and was also accompanied by a cover letter identifying the application by the application number, the requirement of 37 CFR §1.63(b)(1) is met under both headings (C) and (E) above.

Claims 1, 3 and 6 were rejected under 35 USC §102(b) as anticipated by *Akiyama* (US 2002/0071555 A1), and claims 2, 4, 5 and 7-9 were rejected under 35 USC §103(a) as obvious over *Akiyama* in view of *Shim* (US 2002/0002685 A1). These rejections are each respectfully traversed.

Claim 1 has been amended to include the features of claim 8, and presently recites "a clamp body for clamping the magnetic disk medium to the shaft, the clamp body including a clamp body surface contacting the magnetic disk medium, *said clamp body surface including a groove open towards said magnetic disk medium*, and a fluid confined in the groove capable of destroying a recording surface of the magnetic disk medium" (*emphasis added*).

The Office Action admits that Akiyama does not disclose "destroying the disc if tampering is detected", and alleges that the features of originally filed claim 8 are taught in ¶[0056] of *Shim*, which reads as follows:

FIG. 5 is a perspective view of one embodiment of a first eraser unit 450 of the present invention. The eraser unit 450 typically includes at least one storage chamber 451 containing at least one chemical substance that is capable of changing or degrading the magnetic property of a portion of the hard disk 422 being contacted therewith. For example, fluoride and/or bromide compounds may be stored in the storage chamber 451. Upon receiving the protection command signal from the signal generating unit 330 of the access control system 300, the first eraser unit 450 delivers the chemical substance to the surfaces 422a, 422b of the hard disk 422 such that the substance may etch away the outer layers of the surfaces 422a, 422b of the hard disk 422 along with the information encoded in the magnetic bands thereof. The storage chamber 451 may also be attached to auxiliary arms 452 which extend toward a rotatable hinge 453 such that the storage chamber 451 moves across the hard disk 422 and degrades a substantial portion of the information stored therein.

FIG. 5 of *Shim* shows the storage chamber 451 attached to auxiliary arms 452 and opposing the surface of the hard disk 422. However, storage chamber 451 is not "a groove open towards said magnetic disk medium" as recited in claim

1, and nor is it structurally associated with the rotating shaft **426** of the disk driver **424**, i.e. nor is it included in a clamp body surface of "a clamp body for clamping the magnetic disk medium to the shaft" as recited in claim 1.

Thus, *Shim* fails to teach or suggest "a clamp body for clamping the magnetic disk medium to the shaft, the clamp body including a clamp body surface contacting the magnetic disk medium, *said clamp body surface including a groove open towards said magnetic disk medium*, and a fluid confined in the groove capable of destroying a recording surface of the magnetic disk medium", and neither is this taught or suggested by *Akiyama*.

Consequently, claim 1 as amended patentably distinguishes over *Akiyama* and *Shim*, whether taken as a whole or separately, and is allowable, together with claims 3, 4, 6 and 9 that depend therefrom.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should any fee be required, however, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



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Date

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AMENDMENT

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